

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application. of : Amlan Datta et al
Application No. : 10/648,009
Filing Date : August 25, 2003
Group Art Unit : 1793
Examiner : Paul D. Marcantoni
Confirmation No. : 3329
For : SYNTHETIC MICROSPHERES AND METHODS OF MAKING
SAME

VIA EFS-WEB
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.97, Applicants respectfully submit the attached Forms PTO/SB/08a and PTO/SB08b (2 pp.) and accompanying information.

This Information Disclosure Statement is properly submitted under 37 CFR 1.97(d) and (e). Pursuant to 37 CFR 1.97(d), an information disclosure statement shall be considered by the Office if filed by the applicant after the period specified in paragraph (c) of this section, provided that the information disclosure statement is filed on or before payment of the issue fee and is accompanied by: (1) the statement specified in paragraph (e) of this section; and (2) the fee set forth in § 1.17(p).

Under 37 C.F.R. § 1.97(e), a statement under this section must state either: (1) that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or (2) that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

Applicants submit, under 37 C.F.R. § 1.97(e)(1), that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of the information disclosure statement.

Applicants respectfully request, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the information listed on the attached forms be considered and cited during examination of the above-identified application for patent. Pursuant to 37 C.F.R. § 1.98, a copy of information is enclosed for the convenience of the Examiner, other than any U.S. patents and U.S. patent application publications. Furthermore, pursuant to 37 C.F.R. §§ 1.97(g) and (h), no representation is made that information listed is material to patentability of the present application or that a search has been performed. In addition, there is no representation that any information provided is, in fact, prior art.

The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner, and shall not be construed as a representation that Applicants or Applicants' representatives have personal knowledge of the contents of the listed information or events surrounding the listed information.

The Examiner is requested to initial the attached forms, as indicated. It is respectfully requested that the Examiner then return to the undersigned a copy of the initialed and completed forms that indicates the listed information has been considered in its entirety.

Any fee due with this submission has been properly entered. Should additional fees be required with this filing, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 07-0153 and to reference Attorney Docket No. 129843-1104. Please credit any overpayments to this same Deposit Account.

Please direct all correspondence to the practitioner listed below at Customer No. 60148.

Dated: October 9, 2009

Respectfully submitted,

GARDERE WYNNE SEWELL LLP

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